(39)

CLASS B

App. F IX—4

Previous References

1963
(F. B.)

File No. AFD 53
Serial Nos. FAF 63

Later References

Agriculture & Forest Department.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos. Noting : 5
Correspondence : 23.

Part B for

SUBJECT

Control over private S. Nos. 15 & 32
of Chadchidg in Khanapur Tk.

WD 8888—DPB—3,00,000—1-6-61

FOR NOTE BOOK
UNDER SECRETARY
M. N. Ansari
for Under Secretary to Govt.

8/5/63 for
15/11/63

A
1.1.64

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಪುಂಜ್ಯ, ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಸಚಿವಾಲಯ)

AFD 53 FAF 63

Letter no. B6-Gl-33925/62 of 3-5-63 of the ccf. & no. 3821/63.

put up for perusal. The ccf has submd. proposals in connection with the control of private forest in respect of S.nos. 15 + 32 of Ghodeding in Khanapur Tq., & has requested for publication of the draft notification u/s 35. R.D may see for remarks if any.

4223 14 MAY 1963 REVENUE BRANCH

Office of the Registrars I R.D. Date. 10 MAY 1963

OR 8/5/63.

R.D) 9/5/63

3753

10/5

Rev.B.

2) R.D. may agree & return the papers to A&FD.

OR 17/5/63.

A&FD) 20/5

MYSORE GOVT. SECRETARIAT 333 20 MAY 1963 MYSORE GOVT. SECRETARIAT FOREST DEPARTMENT 23 MAY 1963 RECEIVED

457) Before issue. L.D may see the draft.

Sneka 21/5/63 21/5/63 May 21/5/63 OR 21/5/63

L.D) 23/5/63

3

AFD 53 FAF 63

457 LAW VII/63

AFD 53 FAF 63.

LAW DEPARTMENT.

4. According to section 35(1) of the Indian Forest Act, the State Government may, by notification, regulate or prohibit in any forest or waste land the breaking or clearing of lands for cultivation, etc. when such regulation or prohibition appears necessary for any of the purposes specified in the said sub-section. Under sub-section (3) a notice to the owner of the concerned forest or land calling on him to show cause why such notification should not be made, should be issued and he should be given the opportunity to file his objections and adduce any evidence which he may produce. Whether these formalities have been observed in the present case are not clear. This should be verified. Besides, in the draft both the alternatives, namely, regulation or prohibition are mentioned. What exactly is proposed to be done should be indicated and the irrelevant portions struck of. The Administrative Secretariat may kindly do so and revise the draft accordingly.

MYSORE GOVT. SECRETARIAT
No. 458
7 JUN 1963
LABR. & FOREST DEPT. (APPAL SECTION)

3
7/6

A 7 Sept

M. L. RAMASWAMI,
Under Secretary, Law Dept.

AH=D 53 FAE 63 4/3

Mysore Goverament Secretariat | File No. of 196 . | [App. F. III 2

Serial No.

Reference para 4 n/f.

5) Please see the report of the Divisional Forest Officer, Belgaum Division, Belgaum. It is stated that a notice was issued u/s 35(3) of the I.F.A., 1927 in respect of Private S.Nos. requesting the owner of the said S.Nos. to show cause within two months from the date of receipt of the notice. Accordingly, the owner of the S.Nos. has intimated his objections and the remarks of the D.F.O. thereon. He has also felt that the S.Nos. adjoins the reserve forest and forms a compact block. The C.C.F. also states that the objections raised by the owner of the S.Nos. have been replied by the D.F.O. and hence he has no objection for the issue of the Draft Notification.

5 c/7

4 7 c/7

& at p. 5 c/7

& 9 c/7

6) However, in this connection it can be stated that it is the responsibility of the C.C.F. to observe all the formalities that require under the I.F.A., before submitting such proposals to the Government for approval.

7) However, if approved to, we may address the C.C.F. w/r to para 4 n/f.

For orders,

OR 10/6/63

8) Please put up a draft to C.C.F.

JJR 14/6/63

11/CF.

9) Off to ccf in put up. (Ref: para 4 n/7)

OR 17/6

Lett. 17/6.

10) Issue

JJR 19/6/63

Issued on 21.6.63

Note.—Contn. Sheet

4 AFD 55 FAF 63

File No. of 196 .

Mysore Government Secretariat

Serial No.

Letter no. Bb-Gl-33925/62 dt 16-7-63 of the ccf d. no. 5638/63.

1) In view of the report of the ccf, the Offr notifn may now be issued, after perusal by L.D w/r to para 4 n/7.

For. perusals before issue.

LD) 23/7/63

18/7 & 19/7

2) The draft notification is incomplete. The adm. Sectt may strike off unnecessary portions and kindly put up a revised draft.

Ad & Spl) M. L. RAMASWAMI, Under Secretary, Law Dept. 27/7

23/7/63 u/s-DT 24/7/63 25/7 Sr. C.R. 26/7/63

3) Ref: para 12 n/7. Revised Offr is put up.

2/9

May be referred to LD for scrutiny & return.

L-D) 9/9/63

28/8/63

MYSORE GOVT. SECRETARIA. NO 782 - 9 SEP 1963 LAW DEPTT. (REGISTRARD)

u/s-DT 10/9/63 Sr. C.R. 10/9/63

WD-01615—GPB—PZS—8,00,000—1-10-61

AFD 53 FAF 63 5 6

7882/AHDVII/63

Law Secy

Draft at p.17 is revised. It is presumed that no objections received have been heard and considered.

MML
Asst Secy) 25/9
M. L. RAMASWAMI,
Under Secretary, Law Dept

14)

15) Ref: para 14 n/7. In view of the report of the CCF in his letter dt 16-7-63, the Notification may now be issued.

JR 27/9/63

JR 30/9/63

C.W
P/bring up
JR 5/10/63

A&F Dept.- Forest 'B' Section
========

16) Draft Notification may be approved. This has been scrutinised by L.D. also.

17) This is to notify taking over the control over the private forest S.Nos. 15 and 32 of Ghodedurg in Khanapur Taluk of Belgaum District.

JR 8/10/63
(T.S.Ramaiya)
Under Secy., A&FD.

DY.SECY.(A&FD)

SECRETARY (A&FD)

8/10/63
Minister for Forests.

S. A&F)

For Kurd appt
9.10

Approved
JR 15.10.63

Issued on 17-10-63 Gnml JR 18/10/63

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE, BANGALORE

No. B-6-Gl. 33925/62 Dated April 1963.

To

The Secretary to Government,
Agriculture & Forest Department,
Bangalore.

Sir,

Sub:- Control over private forest S. Nos. 15 and 32 of Ghodedurg in Khanapur Taluk of Belgaum Dist.

I enclose herewith a copy of letter No. FOP-FST-2612-27/62-63 dated 15-2-1963 received from the Conservator of Forests, Belgaum submitting draft notification under Section 35(1) of the Indian Forest Act in respect of Survey Nos. 15 and 32 of Ghodedurg village in Khanapur Taluk of the Belgaum District. The objections raised by the owner have been clarified by the Divisional Forest Officer, Belgaum and there appears no objection to notify the survey numbers under Section 35(1) of the Indian Forest Act as in force in Belgaum Circle. Government may therefore, kindly be moved to issue the above draft notification for publication in the Mysore Gazette with instructions to the Compiler of the Gazette to supply 25 copies of the printed notification to the Divisional Forest Officer, Belgaum and 5 copies to the Conservator of Forests, Belgaum for wide publicity.

Yours faithfully,

Chief Conservator of Forests.

to the Conservator of Forests, B.C. Belgaum for information.

******

2

No.FOP/FST/2612/27/62-63. Belgaum, 18 February,63.

To

The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Subject:-Control over private forest Sy.Nos.15 and 32 of Ghodedurg.

I am submitting herewith letter No.FOP/AFR/417-8 of 30-1-1963 of the Divisional Forest Officer, ~~km~~ Belgaum, in duplicate along with four copies of the draft notification under Section 35(1) of the Indian Forest Act, 1927, in respect of S.Nos.15 and 32 of Ghodedurg in Khanapur Taluka of Belgaum District and the objection statement of the owner of the Sy. Nos., for favour of perusal and further action.

2. A notice under section 35(3) of the Indian Forest Act, 1927 issued by me under this office No.24/16/10070 of 27-10-1959 The notice has appeared in the Mysore Government Gazette dated 14-1-1960 in part III Section II on pages 52 to 53. The Government may therefore kindly be moved to issue the notification under section 35(1) of the Indian Forest Act, 1927 in the Mysore Government Gazette and arrange to supply 25 copies of the notification to the D.F.O. Belgaum and 5 copies to this office.

Yours faithfully,

(C.Jayaram Reddy)
Conservator of Forests,
Belgaum Circle.

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5 3

L E T T E R.

Subject:- Control over private forest S.Nos.15 & 32 of Ghodeduru of Khanapur Taluka.

No.FOR/CFW/ 417/8 of 1962-63.
Belgaum, 30th January 1963.

To

The Conservator of Forests,
Belgaum Circle,
Belgaum.

Notice issued under your No.24/16/10070 dated 27.10.1959 under Section 35(3) of Indian Forest Act 1927 inrespect of private forest Sy.Nos.15 and 32 of Ghodeduru village in Khanapur Taluka requiring the owner of the said Sy.Nos. to show cause within two months from the date of receipt of the notice, why notification under Section 35(1) of the Indian Forest Act should not be issued, was served on him on 12.1.1959. The notice is published on pages 52 to 53 of the Mysore Government Gazette dated 14.1.1960 in Part IV Section 2. In reply to this the owner has intimated his objections by his petition dated 7.1.1960- copy enclosed. My remarks on the objections are as under:-

Para 1,2 & 3: No remarks.

Para 4 and 5: The Ownership over the land will not be affected and the rights are in no way with drawn.

Para 6: All cultivated land and cultivable lands are excluded from the application of Section 35 of Indian Forest Act.

Para 7: Cutting of grass is allowed and even grazing of cattle is allowed as per prescriptions of model Rules.

Para 8: Indescriminate hacking of tree-growth is restricted. Firewood preparation for domestic purposes is permissible from the dead and dying trees and quarrying of stones and earth is also allowable from recognised quarries in the area.

Para 9: This is not restricted. Hence no remarks.

Para 10: No remarks.

Para 11: Ownership on forest produce is not questioned. As a measure to safeguard National wealth, it is restricted f indescriminate felling of trees.

Para 12: No remarks.

Para 13: Cultivable areas are excluded from application of Section 35 of Indian Forest Act.

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Para 14,15 & 16: Owner ship or the rights are in no way questioned. By working the area on a sustained yeild basis, the income will stalitise and it will be in the Owner's interest only, since systematic management ensures yeild in perpetrity.

Para 17: Cattle grazing is allowable as per Model Rules.

Para 18: Felling in the area needs to be regulated in the interest of the National wealth.

Para 19: Indescriminate felling of tree growth is restricted. Systematic working as per Model Rules is enforced. Cultivated and cultivable land is excluded from the application of Section 35 of I.F.A.1927.

The S.Nos. are fit for application of Section 35 of I.F.A. 1927. They are adjoining reserved forest having coppice growth. These two S.Nos. form a compact block 592 acres 17 gunthas exclud ding an area of 45 acres fit for cultivation.

The owner desires to bring the land under Cashew cultivation and he requests not to apply Section 35 of Indian Forest Act. The owner can be allowed, these S.Nos. to raise any plantation if he desires to do so.

A draft notification in quadriplicate is submitted herewith for taking further action in the matter. This office file (pages 1 to 14\ ) is also submitted for reference and return.

(Syed Hussain)
Divisional Forest Officer,
Belgaum Division, Belgaum.

SHJ.28.1.

11

75

Copy of application dated 7.1.1960 from Shrimant Sardar Jagojirao Patajirao Sir-Desai of Jamboti addressed to the Divisional Forest Officer, Belgaum.

....

Subject:- Objections to Notice under 35 section.

1. I have received a notice under No.24/16/10470 from the Conservator of Forests, S.C. on 1.12.1959 as per notification of the Governer of Mysore, Agricultural and Forest Department No.5193/48913-J dated 19.9.195 under section 35 of Indian Forest Act XVI of 1927, in respect of my lands i.No.Area in my Chodedurg 8Acs 15A 32G Devachihalli 12A13

village Taluka Khanapur Dist.Belgaum.

2. I am asked to give in writing my say to all clauses in sub-section of section 35 of the Indian Forest Act XVI 1927 and rules mentioned in two seven duies attached to the Notice before the Divisional Forest Officer, Belgaum within the period of six months from the receipt of this notice.

3. My say to all clauses of sub-sections of Sec.35 of the Indian Forest Act, XVI of 1927. The survey was mentioned in the notice viz. Area are in my then Chodedurg, Devachihatti village, Taluka Khanapur District Belgaum and they are surveyed as settled.

4. I have paid the occupancy price and regranted the land on my name of 1953 I received no compensation for the loss of all rights, including forest rights ( ) and mine and mineral rights, formerly enjoyed by me.

5. (These lands mentioned above are Devastan lands and I am the owner of the soil and revenue. I have right to sell earth, stones, and mines and minerals in the said lands.

6. My tenants are inferior holders, residing in Chodedurg and Devachihatti and near by have no sufficient lands to raise crops, such as paddy etc., in the said village. So they take cleared forest lands to raise Nanjani crops Nachani, Savi, Hari, Warga on the Nanjani lease for a period lasting from five years. After that period the lands become fallow. This is their main source of income to maintain their livelihood. No other remedies for their maintenance are existing. If they are not getting the lands for raising Nanjani crops it is too difficult to pass the daily routine of life. By raising crops in cleared forest, the forest is not affected at all. Before cultivating the lands in cleared forest they cut small shrubs and leaves of trees fallen further all and grass and spread all on lands and they burnt them. This process is quite essential to raise Nanjani crops in forest and Jirayat lands. They are quite aware of the spread fire all around.

7. In such lands no good grass is found to graze the cattle and is useful to cut it for house-hold purpose. So they cut green and immature leaves of trees and use them as fodder to their cattle at home and the cattle who go about the jungle for the same purpose. This is not affected the Government or other forests.

8. The villagers use to cut the dried stumps of trees for firewood in their home. If they required wood for building purposes and bamboos. They apply for cutting the wood for the purpose of building house and firewood. They take permission to take earth, stones from above lands for erecting the house. They first stem the trees by their axes and leave them as they are for a period of six months and then prepare firewood for the domestic purposes.

9. [illegible] for medicine. They use to take [illegible] of it some for their domestic medicines. They do this with my permission, paying reasonable charges.

10. We have appointed a Forest Guard to look into this matter and the report is sent to my office. No application is sanctioned without the report of my forest guard. He is now given a discharge. I will appoint another forest guard to guard my forest.

11. All my fallow and forest lands are resurveyed and settled and now I am paying full assessment for the same.

12.11. I sell woods of all sorts excluding Harda, Sesk and Sandalwood and Bamboo in my Inam villages and lands in various villages to the contractors who pay me my price, for cutting from a period of one to five years. I also sell honey, Shikekai Kharadu, Kirbe, Methi, Dalchini, Amal patra, Apta le ves, Aritha and all sorts of forest produces produced in the said lands. My contractors who purchased wood from me require to prepare charcoal from Firewood. They apply for permission and I allow them to prepare after I get permission.

12. I have given wood and bamboos for cutting for a period of five years ending on 30th June 1960 to Shri Yasin Hussainsaheb Jakati of Khanapur in the lands mentioned in the notice.

13. I have given for cultivation the lands mentioned in the notice to raise Rangani crops such as Nachani, Jowa, Hari, Bhatta as they are big in area. So they take crops turn by turn.

14. I was paying the income tax for the Forest income.

15. I have had mines and mineral rights to take out Bauxite, earth, sand and all kinds of metal stones in the said lands. At present no trees are found except Harda, Sandalwood, Sesk and Sisum, Jengo, Jack fruit trees and Junglewood useful for fire and timber wood mentioned in the second schedule.

16. If you strictly apply the section 35 of Indian Forest Act, 1927 my source of income in forest is automatically going down and it is very hard for me to pull on my life and maintain my family. I am affected by any acts which suffered financially and mentally.

17. The villagers will be deprived of their rights to maintain their lands and cattle.

18. I will abide by rules of cutting wood by contract.

19. I further request you kindly not to interfere my contracts given for cutting and cultivation of lands for Rangani crops.

So is my say to the two schedules attached to the notice.

I request you kindly to think over the present position of the land owners and Inamdars and hence the notice should not be applied at this juncture.

.....

13 9/7

Application dated 1.7.1960 from Shrimant Sardar Nagojirao Dattajirao Sirdesai of Jamboti, 284 Tilakwadi, Belgaum to the Conservator of Forests, Southern Circle, Belgaum.

.....

Subject:- Permission for plantation of Cashew nuts and seedlings.

I have received your Notice under No.24/16/10070 of 27.10.1959, on 1.12.1959 as per Notification of the Government of Mysore, Agricultural and Forest Department No.5133/48513-J dated 19.9.1959 under Section 35 of the Indian Forest Act XVI of 1927, in respect of S.No.15 and 32 of Inam village Ghodedurg in Khanapur Taluka, District Belgaum. I have given my objections on 7.1.1960 in the office of the Divisional Forest Office, Belgaum.

As per Mysore Government's publication for the plantation of the Cashew nuts and seedling in a large scale, I desire to cover the whole area of S.Nos.15 and 32 of village Ghodedurga measuring 249 acres and 8 gunthas, and 348 Acres and 9 Gunthas respectively, under the Cashew Plantation. It requires the period of three or four years to bring the area of both the S.Nos.(597 Acres and 17 Gunthas) under the Cashew Plantation. The Department of Agriculture, Government of Mysore has published a booklet "Know and Develop CASHEW", and it is circulated for the publicity of the people of the Mysore State. So I want to give the spontaneous help to Government in the matter. The Government and we will get advantage of this scheme. We have already begun the Cashew plantation in my Malki S.Nos. in Majare Banesmurdi of village Bailur Taluka Khanapur in Belgaum District.

The contract given to Shri Yasin Husensaheb Jakati of Khanapur for cutting wood and Bamboos is Malki S.Nos. of Inam village Ghodedurg is expired on 30th June 1960.

So I request you kindly to allow me to cover the whole area of S.Nos.15 and 32 of village Ghodedurga under the Cashew seeds and seedlings plantation without causing any effect of the rules and regulations of your Notice as per provision under Sec. 35 of the Indian Forest Act XVI of 1927 on me.

I hope that you approach the matter on proper consideration and decision without prejudice.

.ooOOoo.

Forwarded with best compliments to the Divisional Forest Officer, Belgaum for information and consideration.

Sd/- * * *

SRJ.29.1.

14 H 8

L Bungalow No. 128
camp, Belgaum.

NOTIFICATION.

Whereas a notice has been issued under sub-section (3) of Section 35 of the Indian Forest Act, 1927, to Shri Nagajirao Dattajirao Sirdesai the owner of the Forest specified in the schedule hereto annexed, to show cause why a notification under sub-section (1) of ~~Section 35 of~~ the said ~~Act~~, should not be made prohibiting or regulating the acts specified in the draft notification attached to the said notice;

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

~~And whereas no objections have been taken by the said owner to the issue of a notification~~;

And whereas it appears to the Government of Mysore that it is necessary:—

(*a*) For the conservation of trees and forests;

(*b*) For the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;

(*c*) For the improvement of grazing;

(*d*) For the maintenance of water supply in springs, rivers and tanks;

(*e*) For the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(*f*) For the preservation of public health;

(A) To prohibit in the Forests specified in the Schedule appended here to the following acts:—

(*a*) Breaking or clearing of the land for cultivation;

(*b*) Setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly.

(*c*) Burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(*d*) Lopping of trees of the following species for the purpose of tahal:—

Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla *i.e.*, Honni, Shivan, Chandan, Apta and Temburni.

(B) To regulate in the forests specified in the Schedule appended hereto the following acts:—

(*a*) Marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum. and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

(*b*) Pasturing of cattle:—

(i) Not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) Sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum. but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122 (v) of the Bombay Forest Manual, Vol. III.

(*c*) Girdling of trees shall not be permitted unless the removal of tree is sylviculturally desirable.

(*d*) Tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, Belgaum.

(*e*) Stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, Belgaum.

(*f*) Stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, ... Belgaum .....

(*g*) Lopping of trees of the species other than those mentioned under A (*d*) shall be permitted in the manner prescribed by the Divisional Forest Officer, .. Belgaum

(*h*) Clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(*i*) Pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, .. Belgaum.

(*j*) Cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, Belgaum ..... with due consideration to sylvicultural requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

(*k*) Quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good tree growth is involved.

(*l*) Burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay Area, the Government of Mysore hereby

(A) Prohibits. (A) *above*

(B) Regulate. (B) *above*

SCHEDULE.

District	Taluka	Village	S.No.	Area
...gaum.	Khanapur	Ghodeduru	15	A.G. 229-8
			32	323-9

Boundaries.

North	East	South	West
illage boundary of hirthakunde.	Ghodeduru S.Nos. 17,15,16,9,11,12 13,14,72 & 71	Village boundary of Otoli.	Village boundary Malaprabha River a Village boundary of Ka
illage boundary of hirthakunde.	Village boundary of Katgali.	S.Nos.37,36,3,4, 33,35,36,39 & 40 of Ghodeduru.	S.Nos.41,42,43 and 29 of Ghodeduru.

By Order and in the name of the Governor of Mysore,

Deputy Secretary to Government,
Agriculture and Forest Department.

te: The area fit for cultivation is excluded.

o.	Area of S.No.	Area fit for cultivation
	249-8	20-0
	348-9	25-0

16 10

RULES FOR FELLING IN PRIVATE FORESTS.

1. All mature, dead and dying trees shall be removed irrespective of species and girth (Dying tree means the tree of which half the crown is dead).

2. At least 20 timber trees of the following important species between 18" and 36" in girth at breast height shall be reserved per acre well distributed in the area of exploitation.

Teak, Sissum, Karimuttal, Nandi, Honni, Heddi, Kindal, etc.

The trees to be reserved under this rule shall be sound ones. In case the trees of the species mentioned above of the minimum prescribed girth are not available equal number of trees of the maximum available girth shall be retained well distributed in the area of exploitation.

3. Soft wood species, *viz.*, Sawar, Ambada, etc., below 36" girth at breast height shall be retained.

4. Fruit trees and trees yielding important economic forest produets such as Ambad (Mango), Phanas (Jack), Kaju, Amla, Karanj, etc., shall not be cut. Over mature trees of the species may be felled after they are certified by the Range Forest Officer.

5. All sandalwood trees below 12" girth at breast height (except dead and dying trees) shall be retained.

6. No trees of any species below and up to 12" girth at breast height shall be allowed to be cut except those mentioned in rule 1 above. Trees of the species other than those mentioned in rule Nos. 2, 3, 4 and 5 below 12" girth at breast height should be felled only if they are interfering with trees of the abovementioned timber and other species or likely to interfere with future coppice shoots of the timber species to be felled. Under no circumstances should large gaps be created in the canopy.

7. No area should be clearfelled on the tops of steep hills where heavy erosion is feared. Such area shall be delineated by giving tar bands at breast height to the boundary trees which shall be approved by the Range Forest Officer.

8. Trees to be reserved under rules 2, 3 and 4 should be marked with tar bands.

9. All live and sound trees to be felled shall be cut flush with the ground and the stools should be cut within 3" of the ground level.

10. Reserved trees when infested with climbers shall be freed.

11. All dragging paths shall be refilled.

12. Before felling is started the area shall be inspected by the Range Forest Officer. He will also inspect the area after the felling is completed and furnish a certificate of the satisfactory completion of the work to the Divisional Forest Officer, Belgaum.

13. Thinning and cleaning in coppice growth shall be carried out as under:—

If the number of stems (or shoots) is more than 3 in case of stools of and over 24" in girth at ground level, and more than 2 in the case of stools below 24" girth at ground level, the number of stems in excess of the above number shall be cut back. The most promising stems shall be retained and bad ones shall be removed.

14. The periodicity of felling will be limited to 20 years cycle and hence the area once worked will not be allowed to go worked till 20 years have elapsed from the year of previous working.

WD 05929—GPB—6,500—24-10-59

(1)

11 17

(15

To El: circ.

D/ 21-6-63

C.C.F.

Sir,

Subject:— - P.U.R. -

-- 1/CF.

W/r to your letter No. B.6 - 8L-33925/62 dated 3-6- — 1963, on the above subject, I am directed to state that according to Sec. 35(1) of the I.F.A., the Government may, by notifications, regulate or prohibit in any forest or waste land the breaking or clearing of lands for cultivation, etc., when such regulation or prohibition appears necessary for any of the purposes specified in the said Sub-Sn., Also, under Sub-Sec. (3), a notice to the owner of the concerned forest or land calling on him to show cause why such notification should not be made, should be issued and he should be given the opportunity to file his objections and adduce any evidence which he may produce.

Hence, I am to request you to clarify whether these formalities have been observed in the present case are not, as the information is not readily available from the Case Papers.

Secondly, I am directed to state that in the draft notification subd., to Government, both the alternatives - namely, ~~xxxthx~~ regulation or prohibi - tion are mentioned. Hence, what exactly to be done should be indicated and the irrelevant portions struck of. The Draft Notification subd., to Govt., in your letter u/r is returned herewith for resub - mission along with the above information.

Issued 21/6

Y.F.,

19/6

No. B-6-G1-33925/62. Office of the Chief Conservator of Forests in Mysore Bangalore.

Encl - one draft notification

Dated 16 July 1963.

16/7

18/12

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

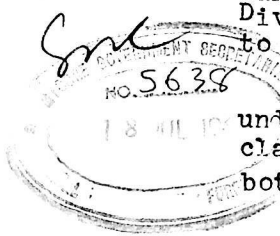
Sir,

Sub:-Control over private forest S.Nos. 15 & 32 of Ghodedurg in Khanapur Taluka of Belgaum District.

Ref:-Govt. letter No. AFD 53 FAF 63 dated 21-6-1963.

In the letter No. FOP-FST-2612-27/62-63 dated 15-2-1963 of the Conservator of Forests Belgaum, a copy of which has already been submitted to Government with this office letter of even No. dated 3-5-1963, it has been made clear that a notice under Section 35(3) of the Indian Forest Act was issued by the Conservator of Forests Belgaum and it had appeared in the Mysore Government Gazette dated 14-1-1960. The objection statement of the owner of the Survey Nos. and the clarification given to him by the Divisional Forest Officer are among the papers submitted to Government.

17/7/63



The Acts prohibited in the said land are indicated under (A) and those to be regulated are indicated under clause (B) of the draft notification. The contents of both the clauses are relevant and need no change.

P.T.O

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The draft notification is therefore, resubmitted herewith for issuing the same for publication.

Yours faithfully,

kcs/

Chief Conservator of Forests.

DRAFT NOTIFICATION.

No. AFD 53 FAF 63 Dated: the 14-11-1963

WHEREAS a notice has been issued under sub-section (3) of section 35 of Indian Forest Act, 1927 to Shri Nagoji Rao Sir Desai, Bungalow No.128, Camp: Belgaum, the owner of the forest specified in the Schedule hereto annexed to show cause why a notification under sub-section (1) of the said section should not be made prohibiting or regulating the acts specified in the draft notification attached to the said notice;

AND WHEREAS objections preferred have been heard and considered by Government;

AND WHEREAS it appears to the Government of Mysore that it is necessary:

(a) for the conservation of trees and forests;

(b) for the preservation and improvement of soil;

(c) for the improvement of grazing;

(d) for maintenance of water supply in springs, rivers and tanks;

(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber & fuel;

(f) for the protection against storms, winds, rolling stones, floods and drought;

ISSUED Date 14-11-1963

(g) for the preservation of public health;

A. To prohibit in the forests specified in the Schedule appended hereto the following acts:-

(a) breaking or clearing of the land for cultivation;

(b) setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly;

(c) burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(d) lopping of trees of the following species for the purpose of tahal:-

Teak, Mango, Sissum, Moha, Khair, Bidla, i.e., Honni, Shivan, Chandan, Apta & Temburni.

... ... P.T.O.

B. To regulate in the forests specified in the Schedule appended hereto the following acts:

(a) marking of the trees in flat areas and moderate sloped shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum, and in steep and precipituous slopes on the principle of protection, where only dead trees may be removed.

(b) The pasturing of cattle:-

(i) not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum, but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122(v) of the Bombay Forest Manual, Volume III.

(c) girdling of trees shall not be permitted unless the removal of a tree is sylviculturally desirable;

(d) tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, Belgaum.

(e) stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, Belgaum.

(f) stripping off leaves of fodder trees shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(g) lopping of trees of the species other than those mentioned under (a), (d) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(h) clearing of undergrowth shall not be allowed expept under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(j) cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer with due consideration to sylvicultural requirements of the crop. Rules in this connection are given below. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

... ... (3)

22 16

(k) quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good trees growth is involved.

(l) burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

NOW, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay area, the Government of Mysore, hereby prohibits the acts referred to at 'A' above and regulates the acts referred to at 'B' above in the forest specified in the Schedule.

SCHEDULE.

District	Taluka	Village	S.No.	Area A.G.
Belgaum	Khanapur	Ghodedurg	15	229-8
			32	323-9

BOUNDARIES.

North	East	South	West
Village boundary of Thirthakunde.	Ghodedurg S. Nos.17, 16, 18, 9, 11, 12, 13, 14, 72 & 71.	Village boundary of Otoli.	Malaprabha River and Village boundary of Katgalli.
Village boundary of Thirthakunde.	Village boundary of Katgalli.	S.Nos.37, 36, 34, 33,35, 36, 39 & 40 of Ghodedurg.	S.Nos.41, 42 43 and 29 of Ghodedurg.

Note:- The area fit for cultivation is excluded.

No.	Area of S.No.	Area fit for cultivation.
	249-8	20-0
	348-9	25-0

By Order and in the name of the Governor of Mysore,

U/Secy. A&F Dept. PTO.

To

The Compiler, Mysore Gazette, Bangalore, for Publication in the Gazette.

Memo No.AFD 53 FAF 63 Dated:

Copy to:

1. The Chief Conservator of Forests in Mysore, B A N G A L O R E.
2. The Divisional Commissioner, Belgaum.
3. The Deputy Commissioner, Belgaum.
4. The Revenue Department, Bangalore.
5. The Weekly Gazette.

Under Secretary to Government,
Agriculture and Forest Dept.

24/4

GOVERNMENT OF MYSORE.

No. AFD AFD 53 FAF 63 Mysore Government Secretariat,
Vidhana Soudha,
Dated, Bangalore, 1960

NOTIFICATION.

WHEREAS a notice has been issued under Sub-Section (3) of Section 35 of Indian Forest Act, 1987 to Shri Nagoji Rao Sirvai, Bungalow No.128, Camp: Belgaum the owner of the forest specified in the schedule hereto annexed to show cause why a notification under sub-section (1) ~~of section~~ 35 of the ~~Indian Forest Act 1927~~, should not be made prohibiting or regulating the acts specified in the draft notification attached to the said notice; (2 Said Sect^n.)

~~AND WHEREAS the owner has stated that he has no objection to issue of the notification;~~

AND WHEREAS it appears to the Government of Mysore that it is necessary:-

(a) for the conservation of trees and forests;
(b) for the preservation and improvement of soil;
(c) for the improvement of grazing;
(d) for maintenance of water supply in springs, rivers and tanks;
(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber & fuel;
(f) for the protection against storms, winds, rolling stones, floods and drought;
(g) for the preservation of public health;

A. To prhibit in the forests specified in the Schedule appended hereto the following acts:-

(a) Breaking or clearing of the land for cultivation;
(b) Setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly;
(c) Burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;
(d) Lopping of trees of the following species for the purpose of tahal:-

Teak, Mango, Sissum, Moha, Hirda, Khair, Bidla i.e., Honni, Shivan, Chandan, Apta and Temburni.

B. To regulate in the forests specified in the Schedule appended hereto the following acts:-

(a) Marking of the trees in flat areas and moderate sloped shall be done on sylvicultural principles approved by the Divisional Forest Officer, ~~Dharwar~~ Belgaum and in steep and precipitous slopes on the principle of protection, where only dead trees may be removed.

(b) The pasturing of cattle:-
(i) Not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(b) (ii) Sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, ~~Dharwar~~, but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122(v) of the Bombay Forest Manual, Volume III.

(c) Girdling of trees shall not be permitted unless the removal of a tree is sylviculturally desirable;

(d) Tapping of trees shall be allowed in the manner and during the period as may be prescribed for different specied by the Divisional Forest Officer, ~~Dharwar~~;

(e) Stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, ~~Dharwar~~.

(f) Stripping off leaves of fodder trees shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Dharwar.

(g) Lopping of trees of the species other than those mentioned under (a), (d) shall be permitted in the manner prescribed by the Divisional Forest Officer, ~~Dharwar~~.

(h) Clearing of undergrowth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) Pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation and in the manner prescribed by the Divisional Forest Officer, Dharwar.

(j) Cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer with due consideration to sylvicultural requirements of the crop. Rules in this connection are given below. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Dharwar.

(k) Quarrying shall be done only in the places approved by the Divisional Forest Officer, Dharwar. Quarrying shall not be permitted if sacrifice of good trees growth is involved.

(l) Burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in Bombay area, the Government of Mysore, hereby

1. Prohibits (A) above,
2. Regulates (B) above.

SCHEDULE.

MGP-MRS 100 copies
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.... 3.

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Now, therefore, in exercise of the powers conferred by Sub-Sec^{n} (1) of Sec. 35 of the Indian Forest Act, 1927 (XVI of 1927) as in force in the Bombay Area, the Govt. of Mysore hereby Prohibits the acts referred to at 'A' above, & regulates the acts referred to at 'B' above.

Schedule

Pl. type from (x) to (x)

To
Govt Compilor, Mysore
Gazette, Mysore for
publication -
copy to - CCF / Asst Comr, A/S A+7
Mgm, / DC. Mgm / RO

D.O. etc

27 21

GOVERNMENT OF MYSORE

No. AFD 83 FAF 63

Mysore Government Secretariat,
'Vidhana Soudha',
Bangalore, dated, the 14-11-63

NOTIFICATION

WHEREAS a notice has been issued under sub-section (1) of section 35 of Indian Forest Act, 1927 to Shri Nagoji Rao Sir Desai, Bungalow No.188, Camp: Belgaum, the owner of the forest specified in the Schedule hereto annexed to show cause why a notification under sub-section (1) of the said section should not be made prohibiting or regulating the acts specified in the draft notification attached to the said notice;

WHEREAS the objections preferred have been heard and considered by Government;

AND WHEREAS it appears to the Government of Mysore that it is necessary:

(a) for the conservation of trees and forests;

(b) for the preservation and improvement of soil;

(c) for the improvement of grazing;

(d) for maintenance of water supply in springs, rivers and tanks;

(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(f) for the protection against storms, winds, rolling stones, floods and drought;

(g) for the preservation of public health;

A. To prohibit in the forests specified in the Schedule appended hereto the following acts:-

(a) breaking or clearing of the land for cultivation;

(b) setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measure to extinguish it shall be taken by the owner promptly;

(c) burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(d) lopping of trees of the following species for the purpose of tabals:-

Teak, Mango, Sissum, Maha, Khair, Bidia, i.e., Honni, Shivan, Chandan, Apta & Tembarni.

B. To regulate in the forests specified in the Schedule appended hereto the following acts:-

ISSUED
Date 14/11/1963

... ... (2)

(a) marking of the trees in flat areas and moderate sloped shall be done on sylviculturel principles approved by the Divisional Forest Officer, Belgaum, and in steep and precipituous slopes on the principle of protection, where only dead trees may be removed.

(b) The pasturing of cattle:-

(i) not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum, but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122(v) of the Bombay Forest Manual, Volume III.

(c) girdling of trees shall not be permitted unless the removal of a tree is sylviculturally desirable;

(d) tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, Belgaum.

(e) stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, Belgaum.

(f) stripping off leaves of fodder trees shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(g) lopping of trees of the species other than those mentioned under (a), (d) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(h) clearing of undergrowth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) pollarding of economic species such as Apta, Tenburni and other species useful as lac hosts shall be allowed by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(j) cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer with due consideration to sylvicultural requirements of the crop. Rules in this connection are given below. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

(k) quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good g trees growth is involved.

(l) burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

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NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay area, the Government of Mysore, hereby prohibits the acts referred to at 'A' above and regulates the acts referred to at 'B' above, in the forest specified in the Schedule.

SCHEDULE

District	Taluka	Village	S.No.	Area
				A. G
Belgaum	Khanapur	Ghodeburg	15	229- 9
			22	325- 9

BOUNDARIES.

North	East	South	West
Village boundary of Thirthakunde.	Ghodeburg S.Nos. 17, 16, 18, 9, 11, 12, 13, 14, 72 & 71.	Village boundary of Otoli.	Malaprabha River and Village boundary of Katgalli.
Village boundary of Thirthakunde.	Village boundary of Katgalli.	S.Nos.27, 26, 24, 23, 35, 36, 39 & 40 of Ghodeburg.	S.Nos. 41, 42, 43, and 29 of Ghodeburg.

Note:- The area fit for cultivation is excluded.

No.	Area of S.No.	Area fit for cultivation.
	240-8	20-0
	348-9	25-0

By Order and in the name of the
Governor of Mysore,

Sd/-

(T.S.RAMAIYA)
Under Secretary to Government,
Agriculture and Forest Dept.

To

The Compiler, Mysore Gazette, Bangalore, for publication in the Gazette.

Memo No.AFD 53 FAF 63 Dated: the 14-11-63

Copy to:

1. The Chief Conservator of Forests in Mysore, Bangalore.

The Divisional Commissioner, Belgaum.
The Deputy Commissioner, Belgaum.
The Revenue Department, Bangalore.
The Weekly Gazette.

J.S. Ramaiya
Under Secretary to Government,
Agriculture and Forest Dept.

DR
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